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Attorneys for Plaintiff Board of Trustees of the
 Southern Nevada Joint Management and Culinary and
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 Las Vegas

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Board of Trustees of the Southern Nevada
 Joint Management and Culinary and
 Bartenders Training Fund dba Culinary
 Academy of Las Vegas,
 Plaintiff,

v.

Christopher Fava, an individual; Jaime
 Monardes, an individual; Eclipse Theater
 LLC, a Nevada limited liability company;
 Eclipse Theater Las Vegas, Limited
 Partnership, a Delaware Limited
 Partnership; 21 Greens Inc, a Nevada
 corporation; Federal Insurance Company,
 an Indiana corporation; HKM Productions
 Inc., a Nevada corporation,
 Defendants.

CASE NO.: 2:18-cv-00036-JCM-DJA

**STIPULATION AND PROPOSED ORDER
 TO STAY PROCEEDINGS PENDING
 MEDITATION**

[FIRST REQUEST]

Plaintiff, the Board of Trustees of the Southern Nevada Joint Management and Culinary
 and Bartenders Training Fund dba Culinary Academy of Las Vegas (“CALV”), Defendant
 Christopher Fava (“Fava”) and Defendant Jaime Monardes (“Monardes”) (collectively, the
 “Parties”), by and through their counsel of record, hereby stipulate and request an Order staying

1 all proceedings in this matter to accommodate the Parties' attempt to resolve this dispute through
2 mediation.

3 On October 25, 2019, the Parties filed motions for summary judgment regarding CALV's
4 claims of fiduciary breach under the Employee Retirement Income Security Act of 1974. *See* ECF
5 Nos. 122-125. On July 15, 2020, the Court issued an order addressing the Parties' dispositive
6 motions. ECF No. 172. On July 27, 2020, the Court signed an order effectuating the Parties' Joint
7 Stipulation to Extend the Deadline to File a Pretrial Order, and staying this matter until 30 days
8 after this Court resolved CALV's Motion for Relief pursuant to Federal Rule of Civil Procedure
9 60 (the "Motion for Relief"). *See* ECF No. 174. Not long after that Order was signed, CALV filed
10 its Motion for Relief. *See* ECF No. 175. Both Fava and Monardes filed their own counter-
11 motions to CALV's Motion for Relief. *See* ECF No. 177; ECF No. 181. Under the July 27,
12 2020, Order, the time to file a Pretrial Order is currently stayed until 30 days after
13 CALV's Motion for Reconsideration is resolved by this Court. *See* ECF No. 174.

14 The Parties have recently agreed to attempt to resolve this matter in mediation conducted
15 by the Honorable Philip M. Pro, retired U.S. District Court Judge. The Parties believe that
16 mediation could possibly lead to an amicable resolution of this matter. The Parties therefore
17 ask this Court to issue an order staying all proceedings in this case until after the parties
18 have concluded mediation before the Honorable Philip M. Pro.

19 The Parties agree that if no resolution is achieved at the mediation, the Parties shall file
20 a status report within fourteen (14) days after the conclusion of the mediation to inform the
21 Court. The Parties further agree to provide a status report to the Court on January 8, 2020, if
22 they have not done so prior to that date, to inform the Court on the status of the meditation.

23 The Parties also agree that if they do not achieve resolution through mediation, the Court's
24 previous Order to Extend the Deadline to File a Pretrial Order will continue to be in effect. *See*
25 ECF No. 174.

The Parties' joint request to stay these proceedings is not sought for any improper purpose of delay or to prejudice the Parties, but to allow the Parties to attempt to effectively and fairly resolve this dispute in mediation while preserving the Parties' and this Court's resources.

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/s/ Annie J. Kung

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Dated: October 6, 2020.

Dated: October 6, 2020.

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Attorneys for Defendant Christopher Fava

Dated: October 6, 2020.

ORDER

IT IS ORDERED that all proceedings in this case are stayed until after the parties have concluded mediation, subject to the following requirements:

1. If no resolution is achieved at the mediation, the Parties shall file a status report within fourteen (14) days after the conclusion of the mediation to inform the Court;
2. The Parties shall provide a status report to the Court on January 4, 2020, if they have not done so prior to that date, to inform the Court on the status of the meditation; and
3. If the Parties do not achieve resolution through mediation, the Court's previous Order to Extend the Deadline to File a Pretrial Order will continue to be in effect. *See* ECF No. 174.



UNITED STATES DISTRICT JUDGE

DATED: October 9, 2020